

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

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JULIUS WHITE,

*Plaintiff,*

v.

Judge THROWER, *et al.*,

*Defendants.*

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CIVIL ACTION NO.  
5:21-cv-00009-TES-CHW

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ORDER OF DISMISSAL

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Pending before the Court is the Recast Complaint [Doc. 11] filed by Plaintiff Julius White, a recently-released prisoner, seeking relief under 42 U.S.C. § 1983. On July 28, 2021, Plaintiff was ordered to amend or supplement his Recast Complaint to provide additional information about his underlying criminal charges. [Doc. 13, pp. 2–3].

Plaintiff was given 21 days to comply, and he was warned that the failure to fully and timely comply with the Court’s orders and instructions could result in the dismissal of his Complaint. [*Id.* at p. 4].

The time for compliance passed without any response from Plaintiff. As such, the Court ordered Plaintiff to respond and show cause why his lawsuit should not be dismissed for failing to comply with the Court’s previous orders and instructions. [Doc. 15]. Plaintiff was given 14 days to comply, and he was again warned that the failure to

comply with the Court's orders and instructions would result in the dismissal of his Complaint. [*Id.*].

The time for compliance has again passed without a response from Plaintiff. Because Plaintiff has failed to comply with the Court's orders and instructions and has otherwise failed to diligently prosecute his claims, the Court **DISMISSES** his Recast Complaint [Doc. 11] **without prejudice**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (first citing Fed. R. Civ. P. 41(b) and then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.").

**SO ORDERED**, this 30th day of September, 2021.

S/ Tilman E. Self, III

**TILMAN E. SELF, III, JUDGE**

**UNITED STATES DISTRICT COURT**